IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Date of decision : January 16, 2007

K.L.Manhas IFS

....Petitioner

versus

Sukhdev Bhatia

....Respondent

Coram: Hon'ble Mr. Justice Virender Singh

Present : Mr. SS Salar, Advocate, for the petitioner

Judgment:

Respondent Sukhdev Bhatia has earned acquittal in case FIR No. 300 dated 28.4.2003, under sections 332, 353, 196 IPC, registered at Police Station Sector-5, Panchkula. Vide impugned judgment of learned Chief Judicial Magistrate, Panchkula dated 14.8.2004, he has been acquitted of the charges of section 332 and 353 IPC. However, no charge under section 196 IPC was framed against him. Aggrieved by the same, the petitioner has filed the instant revision petition.

On a specific query being put, Mr. Salar, makes a statement at the Bar that the State of Haryana had also filed an appeal against the impugned judgment but Hon'ble the Division Bench of this Court has

declined to grant leave to appeal.

It is worth mentioning here that there is delay of 190 days in refiling the instant revision petition and 36 days delay in filing the revision for which two miscellaneous applications bearing Criminal Misc. No. 45552 of 2005 and Criminal Misc. No. 45553 of 2005 have also been filed. Notice of motion was issued to the respondent on the aforesaid miscellaneous applications but the service upon them has not been effected till date. Nevertheless, respondent is not served till date, I am hearing the instant revision petition on merits and with the assistance of Mr. Salar I have gone through the impugned judgment minutely.

Mr. Salar has not been able to pin point any infirmity in the impugned judgment either on facts or law except simply submitting that the learned trial court has not appreciated the evidence led by the prosecution in the right perspective.

I do not agree with the submissions advanced by Mr. Salar.

The scope of revision filed by the private complainant in a State case against the acquittal has been well discussed by the Hon'ble Apex Court in a judgment rendered in **Bindeshwari Prasad Singh alias R.P.Singh and others vs. State of Bihar (now Jharkhand) and another,** 2002(4) RCR (Criminal) 61, wherein their Lordships of the Apex Court have observed that in the absence of any legal infirmity either in the procedure or in the conduct of the trial, there was no justification for the High Court to interfere in exercise of its revisional jurisdiction. It is further observed that the High Court should not re-appreciate the evidence to reach a finding different than the one arrived at by the trial court. In the absence of manifest illegality resulting in grave miscarriage of justice.

In the case in hand, I do not find any flaw on any count in the impugned judgment calling for the interference of this Court while exercising its revisional jurisdiction.

Consequently, the instant revision petition is dismissed.

Since I do not find any substance in the main revision on merits, two miscellaneous applications (Criminal Misc. No. 45552 of 2005 and Criminal Misc. No. 45553 of 2005) for condonation of both the delays are also dismissed.

(Virender Singh)
Judge

January 16, 2006
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